

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-cv-00033-D

DAWN J. HIGGINS

PLAINTIFF,

VS.

SPENCE & SPENCE, P.A., et.al,

DEFENDANTS.

**PLAINTIFF'S MOTION TO DISMISS
ALL CLAIMS AGAINST DEFENDANT
SPENCE & SPENCE, P.A. AND
DEFENDANT ROBERT A. SPENCE, JR**

F.R.C.P. 41(a)(2)

NOW COMES the Plaintiff and moves to dismiss all claims against Defendant Spence & Spence, P.A. and Defendant Robert A. Spence, Jr. In support of her motion, Plaintiff states as follows:

1. The matter has been resolved as to Defendant Spence & Spence, P.A. and Defendant Robert A. Spence, Jr.
2. All Defendants were notified of Plaintiff's intention to file the motion on January 6, 2009 and were asked to notify Plaintiff's counsel if they had an objection. With the exception of Annetha Dunn (who has not responded one way or the other), all Defendants have replied that they do not have an objection to the aforementioned parties being dismissed.
3. There are no Crossclaims in the case.
4. This motion is brought in good faith and should not create an undue burden upon any other party.

WHEREFORE PLAINTIFF MOVES THE COURT to enter an order dismissing all claims against Defendant Spence & Spence, P.A. and Defendant Robert A. Spence, Jr.

This the 26th day of January, 2009.

SUKEENA LAW FIRM, P.C.

/s/ Belinda Sukeena

Belinda Keller Sukeena

State Bar No. 28224

Attorney for Plaintiff

1100 Holly Springs Road, Suite 200

Holly Springs, NC 27540

(919) 557-4357 Phone

CERTIFICATE OF SERVICE

I hereby certify that a copy of Plaintiff's Motion to Dismiss All Claims Against Defendants Spence & Spence, P.A. and Defendant Robert A. Spence, Jr. has been served upon the following via electronic mail, this 26th day of January 2009:

Mr. Alan B. "Chip" Hewett,
Attorney for Gregory A. Johnson,
and Elizabeth L. Johnson,
Homes by Greg Johnson Inc. and
Carol Grice Daniels
chip@hewettandwood.com

Curtis L. Bentz
Attorney for Mark Lowry
cbentz@bws.com

Mr. Samuel G. "Bo" Thompson
Attorney for Robert A. Spence, Jr.
and Spence & Spence, P.A.
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R. Keith Shackelford
Attorney for Spencer Jenkins
and Sybil Pickard
rkshack@warrenperrylay.com

Marcia Kaye Stewart
Attorney for Rodney Taylor
Marcia@stewartandschmidlin.com

I further certify that a copy of the foregoing has been served upon the following by United States First Class Mail, postage prepaid, this 26th day of January 2009:

Patsy Narron
8321 Flower Hill Road
Middlesex, NC 27557

Annetha Dunn
204 Caribbean Court
Knightdale, NC 27545

SUKEENA LAW FIRM, P.C.

/s/ Belinda Sukeena
Belinda Keller Sukeena
State Bar No. 28224
Attorney for Plaintiff
1100 Holly Springs Road, Suite 200
Holly Springs, NC 27540